

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

IN RE: BROILER CHICKEN GROWER  
LITIGATION

This Document Relates To All Cases

No. 6:17-CV-00033-RJS

The Honorable Robert J. Shelby

**DEFENDANTS' MOTION TO STAY PROCEEDINGS  
PENDING DECISION ON MDL TRANSFER**

Defendants Tyson and Perdue (“Defendants”) by and through the undersigned counsel, respectfully move to stay further proceedings in this case pending transfer and consolidation by the Judicial Panel for Multidistrict Litigation (“JPML”) into a Multi-District Litigation (“MDL”). In support of this motion, Defendants state as follows:

1. A substantively similar action is pending before Judge James C. Dever in the Eastern District of North Carolina. *See Haff Poultry, Inc., et al. v. Koch Foods, Inc., et al.*, Case No. 7:18-CV-00031-D (E.D.N.C.). Plaintiffs moved to consolidate both actions in this Court on March 8, 2018. *See In re: Broiler Chicken Litigation* MDL No. 2838, Doc. 1 (JPML). Defendants do not oppose Plaintiffs’ motion.

2. A stay pending MDL transfer will help ensure efficiency and avoid inconsistent results given the multiple actions concerning the same subject matter that are poised to be centralized in a MDL proceeding.

3. Defendants met and conferred with Plaintiffs regarding this motion, which Plaintiffs oppose.

WHEREFORE, for these reasons and those set forth in the accompanying memorandum in support, Defendants respectfully request that the Court stay further proceedings in this case

pending the JPML's decision to transfer this action into the MDL proceeding. A supporting memorandum is attached.

Dated: March 23, 2018

Respectfully submitted,

/s/John D. Harkrider

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**CERTIFICATE OF SERVICE**

On March 23, 2018, I electronically transmitted a true and correct copy of the foregoing document to the Clerk of Court for filing using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ John D. Harkrider